

## REMARKS

This is a full and timely response to the outstanding final Office Action mailed September 11, 2003. Reconsideration and allowance of the application and pending claims are respectfully requested.

### **I. Claim Rejections - 35 U.S.C. § 102(b)**

#### **A. Rejection Under McIntyre, et al.**

Claims 1, 6, 9, and 12 have been rejected under 35 U.S.C. § 102(b) as being anticipated by McIntyre, et al. ("McIntyre," U.S. Pat. No. 5,715,487). Applicant respectfully traverses this rejection.

As noted above, Applicant has amended several of the claims. In view of those amendments, the rejection is considered moot as having been drawn to a different version of Applicant's claims. However, Applicant notes that the claim amendments underscore features that, as described in the previous responses, are clearly not taught or suggested by McIntyre. For instance, McIntyre does not teach or suggest a camera in which a physical attribute of a user is recognized and then the camera is controlled according to a camera *setting that affects a mode of image capture*, which is associated with the user. Once again, McIntyre only teaches a password scheme in which a first password enables the user to operate the camera and a second password enables the user to remove a film cartridge from the camera and duplicate images. McIntyre, col. 8, lines 14-24. Therefore, McIntyre is only concerned with security for, not controlling image capture with, a camera.

As a further matter, Applicant notes that the amendments made herein should be entered given that they do not raise new issues. Applicant has repeatedly described the

“camera setting” limitation as pertaining to camera operation (and not camera access) during prosecution and, presumably, the Examiner has previously considered this issue.

**B. Rejection Under Steinberg, et al.**

Claims 1, 4, 6-9, 11-12, and 14-18 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Steinberg, et al. (“Steinberg,” U.S. Pat. No. 6,433,818). Applicant respectfully traverses this rejection.

As noted above, Applicant has amended several of the claims. In view of those amendments, the rejection is considered moot as having been drawn to a different version of Applicant’s claims. However, Applicant notes that Steinberg also fails to teach or suggest controlling the camera according to a camera *setting that affects a mode of image capture*. Like McIntyre, Steinberg is only concerned with security for, not controlling the image capture of, a camera (see, e.g., the “Summary” section of the Steinberg reference).

**II. Claim Rejections - 35 U.S.C. § 103(a)**

Claims 5, 7, 10, 13, and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Steinberg in view of Suzuki, et al. (“Suzuki”, U.S. Pat. No. 5,416,556). Applicant respectfully traverses this rejection.

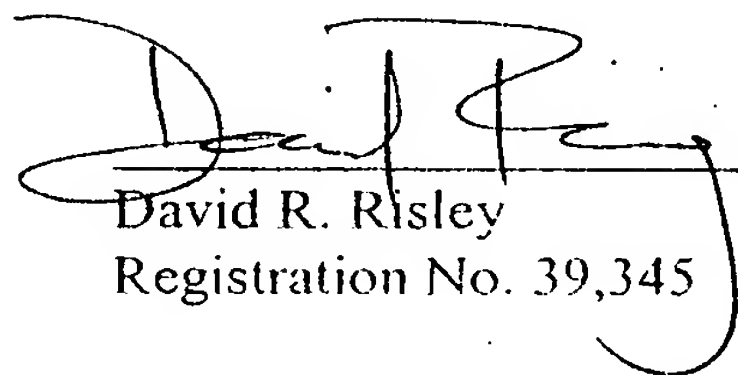
Again, in view of the amendments made to the claims herewith, Applicant submits that the rejection is moot. However, Applicant notes that there would have been no motivation for a person having ordinary skill in the art to modify Steinberg’s camera in view of the teachings of Suzuki given that, as noted above, Steinberg is solely concerned with security. As described by Steinberg, the object of the invention is to “provide a digital camera system with theft protection.” Steinberg, column 1,

lines 58-60. Such theft protection is achieved by disabling the camera given satisfaction of certain criteria. Examples include limiting use to an authorized person by detecting a biometric measurement of that person. Id. at column 2, lines 4-6. Steinberg is silent, however, as to controlling a camera setting that affects image capture with the camera. Indeed, such controlling is not possible because, if the camera is disabled, no such camera settings can be controlled.

### CONCLUSION

Applicant respectfully submits that pending claims 1, 4-6, 8-12, 14-15, and 19 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

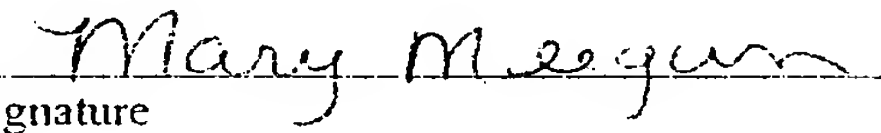
Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

11-12-03

  
Signature